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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 ROBERT RAYMOND RAETKE,

9 Petitioner,

10 v.

11 JERRI BOE,

12 Respondent.

Case No. C19-733-JCC-BAT

**ORDER DENYING PETITIONER'S
MOTION FOR COUNSEL**

13 Petitioner has filed what appears to be a request for appointment of counsel. Dkt. 6. The
14 Court has ordered the petition for writ of habeas corpus be served on Respondent but the time by
15 which the Respondent must respond to the petition has not yet passed. Having reviewed
16 Petitioner's motion and the record, the Court **DENYS** the motion.

17 There is no right to have counsel appointed in cases brought under 28 U.S.C. §2254,
18 unless an evidentiary hearing is required or such appointment is "necessary for the effective
19 utilization of discovery procedures." See *McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United*
20 *States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894
21 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules
22 Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court also
23 may appoint counsel "at any stage of the case if the interest of justice so require." *Weygandt*,

1 718 F.2d at 954. In deciding whether to appoint counsel, the Court “must evaluate the likelihood
2 of success on the merits as well as the ability of the petitioner to articulate his claims pro se in
3 light of the complexity of the legal issues involved.” *Id.*

4 Petitioner requests the assistance of pro bono counsel due to lack of education and legal
5 training. These are impediments virtually all prisoners face and the court thus finds petitioner has
6 not shown his particular conditions of confinement are such that “the interests of Justice” require
7 appointment of counsel. Moreover, the Court notes plaintiff filed a serviceable petition and the
8 instant motion and has shown the ability to litigate his own case. The Court has not yet found an
9 evidentiary hearing will be required in this case, nor does it appear one is needed at this time. *See*
10 Rule Governing Section 2254 Cases in the United States District Courts 8(c).

11 The Court thus **ORDERS:**

12 (1) Petitioner’s motion for the appointment of counsel (Dkt. 6) is **DENIED**.

13 (2) The Clerk shall provide the parties with a copy of this Order.

14 DATED this 10th day of June 2019.

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16 BRIAN A. TSUCHIDA
17 United States Magistrate Judge
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